



**POLITICAL PARTIES (REGISTRATION AND
REGULATION) (AMENDMENT) ACT, 2014**

(Act 26 of 2014)

I assent



A handwritten signature in dark ink, appearing to read 'Michel'.

J. A. Michel
President

16th December, 2014

**AN ACT to amend the Political Parties (Registration and
Regulation) Act (Cap 173).**

ENACTED by the President and the National Assembly.

1. This Act may be cited as the Political Parties
(Registration and Regulation) (Amendment) Act, 2014 and
shall come into operation on such date as the President may, by
notice in the *Gazette*, appoint.

Short title and
commencement

2. The Political Parties (Registration and Regulation) Act is hereby amended as follows —

- (a) in section 2, by repealing in the definition of “office bearer” the word “leader”, and substituting therefor the words “leader, secretary and treasurer”;
- (b) in section 5 —
 - (i) by inserting in subsection (1) after the words “registered members”, the words “who are registered voters and are 18 years of age or above”;
 - (ii) by repealing in subsection (2)(d) the word “leader” and substituting therefor the words “leader, secretary, treasurer”;
- (c) in section 6, by repealing the subsection (3) and substituting therefor, the following subsection —

“(3) The Commission shall, as soon as practicable, on the registration of a political party, —

- (a) give notice of the registration of a political party; and
- (b) publish the constitution and the details of the leader, secretary, treasurer and other office bearers of the party,

in the *Gazette* and on the website of the Commission.”;

- (d) in section 8 —
 - (i) by repealing in subsection (1), the words “and notwithstanding any other written

law, no appeal shall lie against the decision of the Supreme Court”;

- (ii) by inserting after subsection (1), the following subsection —
 - “(1A) An appeal against the decision of the Supreme Court shall lie to the Court of Appeal.”;

- (e) in section 10 —

- (i) by repealing in subsections (1) and (2) the words “and, notwithstanding any other written law, no appeal shall lie against the decision of the Supreme Court” at both the places;

- (ii) by inserting after subsection (2), the following subsection —

“(2A) An appeal against the decision of the Supreme Court shall lie to the Court of Appeal.”;

- (f) in section 12 —

- (i) by repealing in subsection (4), the words “and notwithstanding any other written law, no appeal shall lie against the decision of the Supreme Court”;

- (ii) by inserting after subsection (4), the following subsection —

“(4A) An appeal against the decision of the Supreme Court shall lie to the Court of Appeal.”;

- (g) in section 21 —

- (i) by renumbering it as subsection (1) of the section and by repealing the word “President” and substituting therefor the words “Electoral Commission”;

- (ii) by inserting the following subsection —

“(2) In making regulations under subsection (1), the Electoral Commission may amend any provisions of the Schedule.”;

- (h) in section 24 —

- (i) by repealing in subsection (2) the words “made up to the” and substituting therefor the words and figures “from the 1st January to the”;

- (ii) by inserting after subsection (2) the following subsection —

“(2A) The statement prepared under subsection (2) shall contain —

- (a) approved financial report of the executive committee of the political party;
- (b) balance sheet;
- (c) statement of receipts and expenditure;
- (d) cash flow statement;
- (e) notes to the statement; and
- (f) details of bank accounts with the name of the bank and account number.”;

- (iii) by repealing in subsection (3) the words “is not required to disclose in a statement”, and substituting therefor the words “shall disclose in the statement”;

- (iv) by inserting after subsection (3), the following subsections —

“(3A) The Electoral Commission, chairperson or a member, or any person under the control, of the Electoral Commission shall not reveal to any person or publish in any manner the identity of the person disclosed under subsection (3), except for the purposes of prosecution of an offence under subsection (3B) or section 29A(4).

(3B) Any person who contravenes subsection (3A) is guilty of an offence and is liable to imprisonment for 2 years and a fine of R500,000.”;

- (v) by inserting after subsection (4), the following subsection —

“(4A) The auditor shall audit the statement of the registered political party prepared under subsection (2) and submit his report before the 31st May of each year.

(4B) A registered political party shall retain the records of statement prepared under subsection (2) and auditor's report, including the receipt book, bank records, receipt and expenditure registers and other relevant records for a minimum period of 5 years.

(4C) The Schedule shall, subject to subsection (3), have effect with regard to

the manner of keeping of records by the registered political parties.

(4D) For the purposes of this section, the receipt in relation to a political party, *inter alia*, include the following —

- (a) moneys received in the form of contribution, donation, gift or loan;
- (b) subscription for membership of the party;
- (c) returns of investments;
- (d) proceeds from the sale of assets; and
- (e) public fund received from the Political Parties Financial Support Fund established under section 27.”;

(vi) by inserting in subsection (5) after the words “for the”, the words and figures “period from the 1st January to the 31st December of the”;

(vii) by inserting after subsection (5), the following subsection —

“(5A) After receipt of the statement under subsection (5), the Electoral Commission shall make review of the statement and may in making such review demand clarification or records to ensure the compliance of the provisions of this section by the registered political party.”;

(i) in section 28, by inserting after subsection (2), the following subsection —

(3) The moneys out of the Fund referred to in subsection (1) shall be disbursed to the registered political parties on a quarterly basis.”;

(j) by inserting after section 29, the following section —

Regulation of
contributions
and donations

“29A.(1) A registered political party shall not accept, directly or indirectly, any contribution or donation from —

- (a) any foreign government or its agent;
- (b) any foreign political party or faith based organisation;
- (c) any public institution, statutory body or any other organisation controlled or owned by the government or from any company in which the government holds any capital share;
- (d) any private company performing a public function pursuant to a written law;
- (e) any person who is not tax compliant; or
- (f) any foreign individual or any foreign entity, whether or not body corporate;
- (g) any trade union, whether registered or not.

(2) Where any contribution or donation received is not identifiable by the political party, the political party shall —

- (a) not use it for the expenditure of the political party;
- (b) make efforts to identify the source of that contribution or donation;
- (c) if the donor has used a facility provided by a financial institution, return it to that financial institution; and
- (d) if it is not possible to identify the donor, the money so received shall be caused to be paid into the Consolidated Fund.

(3) Where a contribution or donation which is not identifiable by the political party has been knowingly accepted by the political party and not paid into the Consolidated Fund in accordance with subsection (2)(d), the Electoral Commission may order the forfeiture of such contribution or donation, in addition to any other penalty that may be imposed under this Act.

(4) Where a registered political party accepts a contribution or donation contrary to subsection (1) or contravenes subsection (2), every office bearer of the party is guilty of an offence and is liable on conviction, to a fine of R1,000,000;

(5) In this section —

“contribution” means any sum or gift of money whether wholly or in part of any loan received by or made or provided to a political party and

includes any assistance or service provided by any person to a political party the value of which exceeds R5,000;

“donation” means any money given to or spent by, or on behalf of, a political party in paying any expenses incurred directly or indirectly by the political party and includes any assistance or service provided by any person to a political party the value of which exceeds R5,000”;

(k) by renumbering section 31 as subsection (1) of that section and thereafter by inserting, the following subsection—

“(2) The report of Electoral Commission under subsection (1) shall, *inter alia*, include—

- (a) a statement in respect of functions of the Commission;
- (b) statement of accounts prepared under section 30(1);
- (c) findings of the Commission on the review of the political parties made under section 24(5B).

(3) The report submitted to the National Assembly under subsection (1) shall be made available on the website of the Electoral Commission.”;

(l) by inserting after section 31, the following Schedule—

“SCHEDULE

[Section 24(4C)]

1. A registered political party shall maintain the following books and records in respect of the receipt and expenditure—

- (a) receipt book;
- (b) register of receipts;
- (c) invoice book;
- (d) records of payment of wages, salaries and allowances;
- (e) bank deposit book, cheque stubs and details of cheque issued;
- (f) bank account statements;
- (g) credit card statements;
- (h) loan documents;
- (i) cash book;
- (j) stock register;
- (k) establishment register;
- (l) register of assets.

2. A registered political party shall keep the records of all moneys received and expenditure incurred and make entries in the relevant register.

3. The cash book shall be used to record all receipts and payments whether by cash, cheque, credit card, direct debit and direct credit, electronic funds transfer at point of sale or such other receipt or payment method.

4. The cash book shall be reconciled with the bank statements to ensure the correctness of the entries in cash book.

5. A registered political party shall retain the books and registers mentioned in paragraph 1 and related receipts, vouchers and other records for a minimum period of 5 years from the date of audit.

6. A registered political party shall make available books and registers mentioned in paragraph 1 and related receipts, vouchers and other records to the auditor and Electoral Commission as and when required.”

I certify that this is a correct copy of the Bill which was passed by the National Assembly on 9th December, 2014.



Ms. Shelda Commettant
Acting Clerk to the National Assembly